

10/524697 #3  
BT01 Rec'd PCT/PTC 16 FEB 2005

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John J. Acton III, et al

Int'l Appln.  
No. : PCT/US03/27156

Int'l Date  
Filed : 27 August 2003 (08/27/2003)

Serial No. : (To be assigned) Case No.: 21116Y P

Filed : February 16, 2005

For : INDOLES HAVING ANTI-DIABETIC ACTIVITY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR § 1.97

Sir:

In compliance with 37 CFR § 1.97, Applicants and other individuals associated with the filing or prosecution of this application wish to bring to the attention of the Examiner the patents, publications, and other information of which they are aware, listed on the attached form PTO-1449, which they believe may be relevant to the examination of this application or may be material to patentability and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56. Applicants respectfully request that the Examiner initial the form PTO-1449 after reviewing the pertinence of each reference.

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This Information Disclosure Statement is not an admission that any patent, publication, or other information referred to herein is "prior art" for this invention.

In accordance with 37 CFR § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b). In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made.

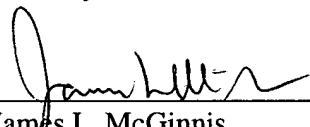
Pursuant to 37 CFR § 1.97(b), this Information Disclosure Statement is being filed within three months of the filing date of the present application.

Copies of references other than the US patents and published patent applications that are cited on the attached form PTO-1449 are enclosed herewith.

Any additional fees required in connection with this submission may be taken from Merck Deposit Account No. 13-2755.

Respectfully submitted,

By



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Date: February 16, 2005

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

*(use as many sheets as necessary)*

Sheet 1 of 1 Attorney Docket Number 21116Y0

COMPLETE IF KNOWN		DATE REC'D	16 FEB 2005
PCT/US05/0066		<b>10/524697</b>	
John J. Acton III, et al			
er		21116YD	

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		WO 02 08188			MERCK & CO., INC.	01/31/2002
		WO 01 30343			MERCK & CO., INC.	05/03/2001
		WO 99/43651			GENETICS INSTITUTE, INC.	09/02/1999
		WO 99/43672			GENETICS INSTITUTE, INC.	09/02/1999
		WO 98/08818			GENETICS INSTITUTE, INC.	03/05/1998
		WO 00/35886			AXYS PHARMACEUTICALS, INC.	06/22/2000
		WO 99/43654			GENETICS INSTITUTE INC.	09/02/1999
		EP 1 424 325			ONO PHARMACEUTICAL CO.LTD.	06/02/2004
		WO 2004/006920			ELBION AG	01/22/2004
		WO 02/30895			BAYER CORPORATION	04/18/2002

**Examiner Signature** \_\_\_\_\_ **Date Considered** \_\_\_\_\_

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder) Merck & Co., Inc. 09/05/2003